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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,986	05/10/2001	Hajime Asama	1794-0136P	4132

7590 01/29/2004

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EXAMINER
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LINNENKAMP, NICHOLAS L

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 01/29/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/851,986

**Applicant(s)**

ASAMA ET AL.

**Examiner**

Nicholas L Linnenkamp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

- Use of acronym PHS on Page 3, third paragraph without disclosing full word reference
- Use of acronym CCD on Page 20, second paragraph and Page 22, third paragraph without disclosing full word reference
- Use of the acronym CMOS on page 20, second paragraph without disclosing full word reference
- Use of the acronym ITS on page 26, fourth paragraph without disclosing full word reference

Although the examiner is familiar with the acronym CCD used on page 20 and 22 as a type of camera, such as a Charged Coupled Device (CCD), the other acronyms used in the specification hold no conventional or specific meaning. It is noted that conventional definitions of the acronym CMOS is Complementary Metallic Oxide Semiconductor which does not hold relevance where placed on page 20. Examiner notes that applicant intended for other types of electrical sensing cameras to be placed in the list. Please define all acronyms upon first use. Full consideration of all appropriate readings was given in the other instances of undefined acronyms.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the outside" at the end of claim 2. The examiner has no way to determine where the applicant intends for the electromagnetic wave to come from as many other objects can emit electromagnetic waves. It is generally understood that applicant intended for the electromagnetic wave to come from an **outside source**, specifically the reader/writer.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Stinton.

In reference to claim 1, Stinton teaches of a support system using a data carrier system comprising:

- At least one tag being a data carrier that is disposed at a predetermined position (**Tag 74, shown in Fig 2a, 2b, 4a has transmitting 84 and**

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**receiving 80 sections that carries data Fig 4b disposed at a position such as a person's leg or wrist)**

- **At least one reader/writer that communicates with said tag (Reader 40 communicates with Tag 74 through transmitter 92 and receiver 94)**
- **The tag being provided with an input/output means (Transmitter 84 and Receiver 80), a predetermined device (such as sensors 90, 88, 73) being connected to said input/output means (through module 82), and said predetermined device being operated by information output from said reader/writer (Responses from tag unit 74, since inventor intends a device like unit 44 be located in unit 74 may be sent only in response to a request signal received from the field monitoring device FMD 40)**

In reference to claim 2, claim 1 is taught as above. Stinton teaches that the tag can be started up in response to supply of electromagnetic waves from the outside. **(Figure 13B show the use of passive transponder units, the use of passive transponder units is known in the art in which an energizing signal is transmitted to the passive transponder. The passive transponder collects enough electrical energy to transmit back a response signal thus needing no internal energy source to transmit a reply.)**

In reference to claim 3, claim 1 is taught as above. Stinton teaches that a plurality of said tags are disposed in a living environment of a human being **(Tags such as 44 and 33 are attached to the person and as such would be in the living**

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**environment of the person, Col 8, lines 7-16) and said predetermined device is a device for detecting a presence of human beings (sensor 43 is any one of biometric reading devices for collecting data from a human being all of which would indicate the presence of a human being, Col 8, lines 16-20, Col 11, lines 3-5).**

In reference to claim 4, claim 2 is taught as above. Claim 4 taught as claim 3 above.

The examiner has included art from Wood, Jr. et al. (heretofore Wood) and Stafford as relevant art for the following reasons:

- Wood describes a remote monitoring system similar to Stinton except that it measures other types of physical phenomena through the use of continuity testers and other remote sensing equipment, and in addition provides smart remote control and data collection.
- Stafford provides a system for transmitting data using a reflection scheme that allows the transponder to use externally transmitted power to affect a response signal.

The examiner feels that both topics have relevance to the submitted specification.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas L Linnenkamp whose telephone number is (703) 305-8701. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Nicholas L Linnenkamp  
Examiner  
Art Unit 2635

NLL

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

A handwritten signature in black ink, appearing to read "Michael Horabik", is written over the printed name and title.